

MINUTES
UTAH PRIVATE PROBATION PROVIDER BOARD
APRIL 1, 2004 - 9:00 A.M.
Room 428 - Fourth Floor - Heber Wells Bldg.
160 East 300 South, Salt Lake City, Utah

CONVENED: 9:08 A.M.

ADJOURNED: 10:24 A.M.

PRESENT:

Clyde Ormond, Bureau Manager
Marty Simon, Board Secretary
Board Members:
Larry McDonald James Rowley
Kathy Ockey

ABSENT:

Sandra Thackeray

GUESTS:

Jeremy Shaw, Adult Probation and Parole.

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swear in new board member

Mr. Ormond administered the Oath of Office to Ms. Ockey.

Elect board chairperson

A motion was made by Mr. Rowley and seconded by Mr. McDonald to elect Kathy Ockey to be the new chairperson. The motion carried unanimously.

Minutes

The minutes of the December 12, 2001 and the March 13, 2003 board meetings were approved as written.

APPOINTMENTS:

9:30 A.M.
Kathy Zymola

Ms. Zymola met with the Board to review her education and experience for licensure. She has her own company, No Excuse for Abuse (NEFA) that is an Outpatient Domestic Violence & Drug/Alcohol Clinic. Manuel de la Torre, a licensed Private Probation Provider and Clinical Social Worker, is working there and monitors her probation tracking that she does for the courts. Three letters of recommendation, from Manuel de la Torre, LCSW, Pat Gavura and Pam Romrel, were included with her application.

Kathy Zymola Apt (cont)

Mr. Rowley asked Ms. Zymola if there was ever a conflict with the treatment program and the probation being done at the same facility. She stated if she perceived that was a problem she would refer the treatment out to another agency.

After reviewing her experience and education with her, a motion was made by Mr. McDonald and seconded by Mr. Rowley to approve her for licensure. The motion carried unanimously.

NEW APPLICATIONS:

Hans Jessop

The Board reviewed Mr. Jessop's application for licensure. It was noted that Mr. Jessop graduated from the University of Utah with a Baccalaureate degree (B.S.) in Sociology on December 13, 2002. He also received a Certificate in Criminology and Corrections on the same date.

A motion was made by Mr. Rowley and seconded by Mr. McDonald to approve Mr. Jessop for licensure. The motion carried unanimously.

DISCUSSION ITEMS:

Monitoring Person Charged with Felony

Mr. Ormond spoke to the Board about a question he received from a private probation provider as to whether he could monitor a person charged with a felony who was put on a Plea in Abeyance. Mr. Ormond stated he had consulted with Mitchell Jones, Attorney General's Office, and had been advised that since the person does plead guilty to the charge he is considered guilty of a felony charge.

Ms. Ockey stated she had obtained a different opinion on this matter from Kurt Torgensen, Chief Prosecutor in the Attorney General's Office. Mr. Torgensen had stated the person is not considered guilty of the felony during the Plea in Abeyance, only if they don't complete the Plea in Abeyance successfully. She suggested that Mr. Jones should consult with Mr. Torgensen regarding this matter, as there have been several instances when judges have assigned these types of cases to Private Probation Providers.

Mr. Jackson asked the Board about how the court judges assign the cases that need monitoring. The Board informed him that the judge does choose the private probation provider they want to monitor each case.

Proof of Graduation

Mr. Ormond asked the Board if official transcripts should be required to show graduation with a B.S. degree or is a certificate of graduation acceptable in an application for licensure. The Board stated if the certificate of graduation shows a BS degree, in one of the required majors, it would be acceptable. Otherwise, official transcripts would be needed to review the classes if the degree is in a different major than one of the acceptable ones. Mr. Jackson suggested that Mr. Ormond should check with Laura Poe, Assistant Division Director, whether other professions are requiring official transcripts or not.

Legislation

Mr. McDonald inquired whether this Board ever has any input to legislation involving this profession. Mr. Ormond stated they would be contacted for their opinion for any proposed legislation that would affect this profession, as the Board is advisory to the Division.

Victim Restitution

Mr. McDonald suggested that private probation providers should get involved in monitoring victim restitution, as the courts are usually unable to do so. He stated the monitoring of victim restitution and white-collar crimes should be done by private probation providers and let Adult Probation and Parole (AP&P) deal with the more violent criminals. Mr. Ormond stated the statute should be changed through legislature to add this to the scope of practice definition. It was agreed this would be beneficial to the private probation provider to protect their liability.

Currently there is no link between the victim and the probationer, which creates a problem. When the court ordered probation time is ended, the person is no longer monitored regarding any balance of restitution they may still owe to the victim. Therefore, when the person's probation is ended, if they cease to pay the remainder of the restitution, there is no longer any way to enforce the restitution to the victim. Mr. McDonald

stated a law would become effective, as of July 1, 2004, that will allow asset seizure from a person who still owes restitution to a victim.

Another change of the statute that is needed, is for private probation providers to have access to criminal backgrounds. At this time they do not have this access.

Mr. Ormond informed the Board the profession would be responsible for sponsoring a bill through legislature to initiate these changes to the statute.

NEXT MEETING:

To be determined

DATE APPROVED

CHAIRPERSON, UTAH PRIVATE
PROBATION PROVIDER BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING